

Migratory Bird Hunting and Conservation Stamp Act

[Chapter 71, Approved Mar. 16, 1934, 48 Stat. 451]

[As Amended Through P.L. 109–266, Enacted August 3, 2006]

AN ACT To supplement and support the Migratory Bird Conservation Act by providing funds for the acquisition of areas for use as migratory-bird sanctuaries, refuges, and breeding grounds, for developing and administering such areas, for the protection of certain migratory birds, for the enforcement of the Migratory Bird Treaty Act and regulations thereunder, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. [16 U.S.C. 718a] PROHIBITION ON TAKING.

(a) PROHIBITION.—

(1) IN GENERAL.—Except as provided in paragraph (2), no individual who has attained the age of 16 years shall take any migratory waterfowl unless, at the time of the taking, the individual carries on the person of the individual a valid Migratory Bird Hunting and Conservation Stamp, validated by the signature of the individual written in ink across the face of the stamp prior to the time of the taking by the individual of the waterfowl.

(2) EXCEPTION.—No stamp described in paragraph (1) shall be required for the taking of migratory waterfowl—

(A) by Federal or State agencies;

(B) for propagation; or

(C) by the resident owner, tenant, or sharecropper of the property, or officially designated agencies of the Department of the Interior, for the killing, under such restrictions as the Secretary may by regulation prescribe, of such waterfowl when found damaging crops or other property.

(b) DISPLAY OF STAMP.—Any individual to whom a stamp has been sold under this Act shall, upon request, display the stamp for inspection to—

(1) any officer or employee of the Department of the Interior who is authorized to enforce this Act; or

(2) any officer of any State or political subdivision of a State authorized to enforce State game laws.

(c) OTHER LICENSES.—Nothing in this section requires any individual to affix the Migratory Bird Hunting and Conservation Stamp to any other license prior to taking 1 or more migratory waterfowl.

SEC. 2. [16 U.S.C. 718b] SALES; FUND DISPOSITION; UNSOLD STAMPS.

(a) SALES.—

(1) IN GENERAL.—The stamps required under section 1 shall be sold by the Postal Service and may be sold by the De-

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partment of the Interior, pursuant to regulations promulgated jointly by the Postal Service and the Secretary, at—

(A) any post office; and

(B) such other establishments, facilities, or locations as the Postal Service or the Secretary (or a designee) may direct or authorize.

(2) **PROCEEDS.**—The funds received from the sale of stamps under this Act by the Department of the Interior shall be deposited in the Migratory Bird Conservation Fund in accordance with section 4.

(3) **MINIMUM AND MAXIMUM VALUES.**—Except as provided in subsection (b), the Postal Service shall collect the full face value of each stamp sold under this section for the applicable hunting year.

(4) **VALIDITY.**—No stamp sold under this Act shall be valid under any circumstances to authorize the taking of migratory waterfowl except—

(A) in compliance with Federal and State laws (including regulations);

(B) on the condition that the individual so taking the waterfowl wrote the signature of the individual in ink across the face of the stamp prior to the taking; and

(C) during the hunting year for which the stamp was issued.

(5) **UNUSED STAMPS.**—

(A) **DEFINITION OF RETAIL DEALER.**—In this paragraph, the term “retail dealer” means—

(i) any individual or entity that is regularly engaged in the business of retailing hunting or fishing equipment; and

(ii) any individual or entity duly authorized to act as an agent of a State or political subdivision of a State for the sale of State or county hunting or fishing licenses.

(B) **REDEMPTION OF UNUSED STAMPS.**—The Department of the Interior, pursuant to regulations promulgated by the Secretary, shall provide for the redemption, on or before the 30th day of June of each year, of unused stamps issued for the year under this Act that—

(i) were sold on consignment to any person authorized by the Secretary to sell stamps on consignment (including retail dealers for resale to customers); and

(ii) have not been resold by any such person.

(6) **PROHIBITION ON CERTAIN STAMP SALES.**—The Postal Service shall not—

(A) sell on consignment any stamps issued under this Act to any individual, business, or organization; or

(B) redeem stamps issued under this Act that are sold on consignment by the Secretary (or any agent of the Secretary).

(b) **COST OF STAMPS.**—The Postal Service shall collect \$10.00 for each stamp sold under the provisions of this section for hunting years 1987 and 1988, \$12.50 for hunting years 1989 and 1990, and \$15.00 for each hunting year thereafter, if the Secretary deter-

mines, at any time before February 1 of the calendar year in which such hunting year begins, that all sums in the Migratory Bird Conservation Fund available for obligation and ¹ attributable to—

- (1) amounts appropriated pursuant to the Act for the fiscal year ending in the immediately preceding calendar year; and
- (2) the sale of stamps under this section during such fiscal year ² have been obligated for expenditure.

SEC. 3. [16 U.S.C. 718c] AUTHORIZATION AND EXEMPTION.

Nothing in this Act shall be construed to authorize any person to take any migratory waterfowl otherwise than in accordance with regulations adopted and approved pursuant to any treaty or convention heretofore or hereafter entered into between the United States and any other country for the protection of migratory birds, nor to exempt any person from complying with the game laws of the several States.

SEC. 4. [16 U.S.C. 718d] EXPENDITURE OF FUNDS.

(a) IN GENERAL.—All funds received for stamps sold under this Act shall be—

- (1) accounted for by the Postal Service or the Secretary, as appropriate;
- (2) paid into the Treasury of the United States; and
- (3) reserved and set aside as a special fund, to be known as the “Migratory Bird Conservation Fund” (referred to in this section as the “fund”), to be administered by the Secretary.

(b) USE OF FUNDS.—All funds received into the fund are appropriated for the following purposes, to remain available until expended:

- (1) ADVANCE ALLOTMENTS.—So much as may be necessary shall be used by the Secretary for engraving, printing, issuing, selling, and accounting for Migratory Bird Hunting and Conservation Stamps and moneys received from the sale thereof, in addition to expenses for personnel services in the District of Columbia and elsewhere, and such other expenses as may be necessary in executing the duties and functions required of the Postal Service.

- (2) AREAS FOR REFUGES.—Except as provided in paragraph (3) and subsection (c), the remainder shall be available for the location, ascertainment, and acquisition of suitable areas for migratory bird refuges under the provisions of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and for the administrative costs incurred in the acquisition of such areas.

- (3) CONDITIONS ON USE OF FUNDS.—The Secretary may use funds made available under paragraph (2) for the purposes of that paragraph, and such other funds as may be appropriated for the purposes of that paragraph or this paragraph, to acquire, or defray the expense incident to the acquisition by gift, devise, lease, purchase, or exchange of, small wetland and pot-hole areas, interests therein, and rights-of-way to provide ac-

¹Section 3 of Public Law 99–625 (100 Stat. 3502) and section 202(3) of Public Law 99–645 (100 Stat. 3586) both amended the first sentence of this subsection by inserting “available for obligation and” before “attributable to”.

²So in law. The matter following “such fiscal year” in paragraph (2) probably should end with such phrase followed by a semicolon.

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cess thereto. Such small areas, to be designated as “Waterfowl Production Areas”, may be acquired without regard to the limitations and requirements of the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.), but all of the provisions of such Act which govern the administration and protection of lands acquired thereunder, except the inviolate sanctuary provisions of such Act, shall be applicable to areas acquired pursuant to this paragraph.

(c) PROMOTION OF STAMP SALES.—

(1) **IN GENERAL.**—The Secretary may use funds from the sale of Migratory Bird Hunting and Conservation Stamps, not to exceed \$1,000,000 in each of fiscal years 1999, 2000, 2001, 2002, and 2003, for the promotion of additional sales of those stamps, in accordance with a Migratory Bird Conservation Commission approved annual marketing plan. Such promotion shall include the preparation of reports, brochures, or other appropriate materials to be made available to the public that describe the benefits to wildlife derived from stamp sales.

(2) **COMPONENTS OF REPORT.**—The Secretary shall include in each annual report of the Commission under section 3 of the Migratory Bird Conservation Act (16 U.S.C. 715b) a description of activities conducted under this subsection in the year covered by the report.

SEC. 5. [16 U.S.C. 718e] LOANS AND TRANSFERS, ALTERATION, AND REPRODUCTION OF STAMPS.

(a) **IN GENERAL.**—No person to whom has been sold a Migratory Bird Hunting and Conservation Stamp, validated as provided in section 1 of this Act, shall loan or transfer such stamp to any person during the period of its validity; nor shall any person other than the person validating such stamp use it for any purpose during such period.

(b) **ALTERATION.**—Except as provided in clauses (i) and (ii) of section 504(l)(D) of title 18, United States Code, no person shall alter, mutilate, imitate, or counterfeit any stamp authorized by this Act, or imitate or counterfeit any die, plate, or engraving therefor, or make, print, or knowingly use, sell, or have in his possession any such counterfeit, die, plate, or engraving.

(c) **REPRODUCTION.**—Notwithstanding the provisions of subsection (b), or the prohibition in section 474 of title 18, United States Code, or other provisions of law, the Secretary may authorize, with the concurrence of the Secretary of the Treasury,

(1) the color reproduction, or

(2) the black and white reproduction,

of Migratory Bird Hunting and Conservation Stamps authorized by sections 1 through 4 and 6 through 9 of this Act, which otherwise satisfies the requirements of clauses (ii) and (iii) of section 504(l) of title 18, United States Code. Any such reproduction shall be subject to those terms and conditions deemed necessary by the Secretary by regulation or otherwise and any proceeds received by the Federal Government as a result of such reproduction shall be paid, after deducting expenses for marketing, into the Migratory Bird Conservation Fund established under section 4 of this Act.

SEC. 6. [16 U.S.C. 718f] ENFORCEMENT.

For the efficient execution of this Act, the judges of the several courts, established under the laws of the United States, United States commissioners, and persons appointed by the Secretary to enforce the provisions of this Act, shall have, with respect thereto, like powers and duties as are conferred upon said judges, commissioners, and employees of the Department of the Interior by the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) or any other Act to carry into effect any treaty for the protection of migratory birds with respect to that Act. Any bird or part thereof taken or possessed contrary to this Act shall, when seized, be disposed of by the Secretary in accordance with law.

SEC. 7. [16 U.S.C. 718g] VIOLATIONS.

Any person that violates or fails to comply with any provision of this Act (including a regulation promulgated under this Act) shall be subject to the penalties described in section 6 of the Migratory Bird Treaty Act (16 U.S.C. 707).

SEC. 8. [16 U.S.C. 718h] COOPERATION.

The Secretary is authorized to cooperate with the States and the territories and possessions of the United States in the enforcement of this Act.

SEC. 9. [16 U.S.C. 718i] USE OF CONTEST FEES.

Notwithstanding any other provision of law, funds received by the United States Fish and Wildlife Service in the form of fees for entering any Migratory Bird Hunting and Conservation Stamp contest shall be credited—

- (1) first, to the appropriation account from which expenditures for the administration of the contest are made; and
- (2) second, to the extent any funds remain, to the Migratory Bird Conservation Fund.

SEC. 10. [16 U.S.C. 718j] DEFINITIONS.

(a) **IN GENERAL.**—In this Act, the terms defined in the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.) and the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.) have the meanings given those terms in those Acts.

(b) **OTHER DEFINITIONS.**—In this Act:

- (1) **HUNTING YEAR.**—The term “hunting year” means the 1-year period beginning on July 1 of each year.
- (2) **MIGRATORY WATERFOWL.**—The term “migratory waterfowl” means the species enumerated in paragraph (a) of subdivision 1 of article I of the Convention between the United States and Great Britain for the Protection of Migratory Birds, signed at Washington on August 16, 1916 (USTS 628) (16 U.S.C. 703 et seq.).
- (3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.
- (4) **STATE.**—The term “State” means—
 - (A) a State;
 - (B) the District of Columbia;
 - (C) the Commonwealth of Puerto Rico;
 - (D) Guam;
 - (E) American Samoa;

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(F) the Commonwealth of the Northern Mariana Islands;

(G) the Federated States of Micronesia;

(H) the Republic of the Marshall Islands;

(I) the Republic of Palau; and

(J) the United States Virgin Islands.

(5) TAKE.—The term “take” means—

(A) to pursue, hunt, shoot, capture, collect, or kill; or

(B) to attempt to pursue, hunt, shoot, capture, collect, or kill.

SEC. 11. SHORT TITLE.

This Act may be cited as the “Migratory Bird Hunting and Conservation Stamp Act”.